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Application No. : **10/764,010** Confirmation No. **8938**
 Applicant : **Eugene ALEXANDER et al.**
 Filed : **January 22, 2004**
 Title : **ASSESSING THE CONDITION OF A JOINT AND DEVISING
TREATMENT**
 TC/A.U. : **3737**
 Examiner : **William C. JUNG**

PAPERS ENTITLED: **Response to Office Action** 2 pages
Petition for Extension of Time (in duplicate) 2 pages

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MAR 07 2006

PATENT**Attorney Docket No.: 13309/5****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/764,010 Confirmation No. 8938
Applicant : Eugene ALEXANDER et al.
Filed : January 22, 2004
Title : ASSESSING THE CONDITION OF A JOINT AND DEVISING
TREATMENT
TC/A.U. : 3737
Examiner : William C. JUNG

RESPONSE TO OFFICE ACTION**MAIL STOP AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks below are respectfully submitted in response to the Office Action dated November 30, 2005. Applicants are filing a Petition for Extension of Time concurrently with this response.

REMARKS

The Examiner has rejected claims 1-33 provisionally under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-33 of co-pending application No. 09/882,363. The Examiner also has raised issues under 35 U.S.C. § 102(g) and 35 U.S.C. § 102(f). Applicants respectfully traverse these rejections, because claims 1-33 of co-pending application No. 09/882,363 were cancelled some time ago, and are no longer pending in that application. Perhaps the Examiner was referring to the published version of Application No. 09/882,363. However, in the prosecution of that application, claims 1-33 were cancelled. Therefore, no such rejection is proper, and accordingly Applicants respectfully request that the Examiner reconsider

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